



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/545,241	11/21/95	PADIA	J 5117-P1-01-E

12M1/0110
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EXAMINER	
GRUMBLING, M	
ART UNIT	PAPER NUMBER
1202	

DATE MAILED: 01/10/97

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

a) ☒ is extended to run _____ or continues to run 3 months from the date of the final rejection

b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 12/18/96 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.

b. ☒ They raise new issues that would require further consideration and/or search. (See Note).

c. ☐ They raise the issue of new matter. (See Note).

d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See the attachment

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☐ Upon the filing an appeal, the proposed amendment ☐ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: _____

However,

☐ Applicant's response has overcome the following rejection(s): _____

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

Matthew V. Grumbling
MATTHEW V. GRUMBLING
PRIMARY EXAMINER
GROUP 1200

Art Unit: 1202

This is in response to the amendment after final and request for reconsideration filed 12/18/1996. This amendment is made in response to the final rejection dated 10/25/1996.

The amendment is not being entered and the final rejection is maintained.

Applicant has not provided good and sufficient reason why the amendment is necessary and was not submitted prior to the final rejection. There was ample opportunity for applicant to have presented this amendment prior to the final rejection. The Omar et al. reference was presented in the first office action as being a 102 and 103 reference against the claims and this was maintained in the second office action, made final on 12/18/1996.

Even if applicant had provided good and sufficient reason why the amendment is necessary, the amendments are so prolix and cumbersome as to require additional consideration and/or search. Since the amendment is in response to an anticipation rejection and the claims have been changed in scope, further search of the generic claims would be necessary. Furthermore, the new claims would need to be considered with respect to new matter and

Art Unit: 1202

indefiniteness. Since there are 66 (sixty-six) pages of new amendments, this is no trivial matter.

For the above reasons, the final rejection of claims 1-4, 6-7, 9, 11-13, 15-28, and 41-49 is maintained for reasons set forth in the last office action, mailed 10/25/1996.

Applicant refers to an interview between the examiner and one William J. Schramm on 11/13/1996. The examiner has no recollection of this conversation, nor is there any previous mention of it on this record. (I.e. there is no examiner interview summary pertaining to this conversation.) In any case, it is obvious from the above remarks that entry of the amendment after final is not considered timely and in any case would require more than routine consideration. It is unlikely that the examiner would have agreed to such extensive amendment after final.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew V. Grumblin whose telephone number is (703) 308-4713. The examiner can usually be reached on Monday through Friday from 9:30 a.m. until 6:00 p.m.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Art Unit: 1202

A facsimile center has been established in Group 1200, room 3C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine are (703) 308-4556 or 305-3592.

Since the facsimile machines possess limited capacity it is requested that information disclosures, appeal briefs and other communications greater than 15 pages in length be mailed rather than submitted by facsimile. Also it is requested that communication not intended to be entered in the case (such as courtesy copies) be conspicuously marked "DRAFT" on the cover sheet of the facsimile transmission.


MATTHEW V. GRUMBLING
PRIMARY EXAMINER
GROUP 1200
9 January 1997